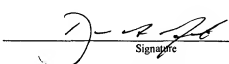
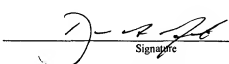
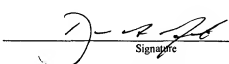


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<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		Docket Number (Optional)  <b>052343</b>														
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 [37 CFR 1.8(a)]  On _____  Signature _____  Typed or printed name _____																
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 5px;">In re Application of  <b>Kojiro TANAKA</b></td> </tr> <tr> <td style="padding: 5px;">Application Number 10/529,854</td> <td style="padding: 5px;">Filed March 31, 2005</td> </tr> <tr> <td colspan="2" style="padding: 5px;">For <b>MEASURING KIT, MEASURING METHOD AND MEASURING APPARATUS OF MICROORGANISM IN LIQUID SAMPLE</b></td> </tr> <tr> <td style="padding: 5px;">Art Unit 1657</td> <td style="padding: 5px;">Examiner Bin Shen</td> </tr> </table>			In re Application of  <b>Kojiro TANAKA</b>		Application Number 10/529,854	Filed March 31, 2005	For <b>MEASURING KIT, MEASURING METHOD AND MEASURING APPARATUS OF MICROORGANISM IN LIQUID SAMPLE</b>		Art Unit 1657	Examiner Bin Shen						
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Applicant hereby <b>appeals</b> to the Board of Patent Appeals and Interferences from the last decision of the examiner.  The fee for this Notice of Appeal in (37 CFR 41.20(b)(1))																
<table style="width: 100%;"> <tr> <td style="width: 80%;"><input type="checkbox"/> Applicant claims small entity status. See 37 CFR § 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:</td> <td style="width: 20%; text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> A check including the amount of the appeal fee is enclosed.</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</td> <td style="text-align: right;">\$ <u>540.00</u></td> </tr> <tr> <td><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-2866. I have enclosed a duplicate copy of this sheet.</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input checked="" type="checkbox"/> A petition for extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.</td> <td style="text-align: right;">\$ <u>1,110.00</u></td> </tr> <tr> <td colspan="2" style="text-align: right; padding-top: 10px;"><b>TOTAL \$1,650.00</b></td> </tr> </table>			<input type="checkbox"/> Applicant claims small entity status. See 37 CFR § 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:	\$ _____	<input type="checkbox"/> A check including the amount of the appeal fee is enclosed.	\$ _____	<input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.	\$ <u>540.00</u>	<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.	\$ _____	<input type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-2866. I have enclosed a duplicate copy of this sheet.	\$ _____	<input checked="" type="checkbox"/> A petition for extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.	\$ <u>1,110.00</u>	<b>TOTAL \$1,650.00</b>	
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I am the																
<table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Applicant/inventor.   <input type="checkbox"/> assignee of record of the entire interest. (See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).   <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>56,024</u>   <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____       </td> <td style="width: 50%; vertical-align: top;"> <div style="text-align: center;">             Signature         </div> <hr/> <div style="text-align: center;"> <b>Darrin A. Ault</b>            Typed or printed name         </div> <hr/> <div style="text-align: center;"> <b>202-822-1100</b>            Telephone number         </div> <hr/> <div style="text-align: center;"> <b>October 29, 2008</b>            Date         </div> </td> </tr> </table>			<input type="checkbox"/> Applicant/inventor.  <input type="checkbox"/> assignee of record of the entire interest. (See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).  <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>56,024</u>  <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	<div style="text-align: center;">             Signature         </div> <hr/> <div style="text-align: center;"> <b>Darrin A. Ault</b>            Typed or printed name         </div> <hr/> <div style="text-align: center;"> <b>202-822-1100</b>            Telephone number         </div> <hr/> <div style="text-align: center;"> <b>October 29, 2008</b>            Date         </div>												
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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.																
<input type="checkbox"/> *Total of <u>1</u> forms are submitted.																

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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